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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 MICHAEL DUANE ERIE,

8 Plaintiff,

9 v.

10 DON HOLBROOK, DR. EDWARD,  
11 ARPN SILVER, DR. SAWYER and  
DR. SMITH,

12 Defendants.

NO: 4:15-CV-5071-TOR

ORDER GRANTING MOTION TO  
VOLUNTARILY DISMISS,  
DISMISSING COMPLAINT, AND  
DIRECTING THAT COLLECTION  
OF THE FILING FEE CEASE

13 BEFORE THE COURT is Plaintiff's Motion to Voluntarily Dismiss  
14 pursuant to Rule 41 (a), Federal Rules of Civil Procedure (ECF No. 8). Plaintiff,  
15 a prisoner at the Washington State Penitentiary, is proceeding *pro se* and *in forma*  
16 *pauperis*; Defendants have not been served.

17 Accordingly, **IT IS ORDERED** Plaintiff's Motion to Voluntarily Dismiss  
18 (ECF No. 8) is **GRANTED** pursuant to Fed. R. Civ. P. 41(a) and the filed  
19 Complaint (ECF No. 6) is **DISMISSED WITHOUT PREJUDICE**. For good  
20 cause shown, **IT IS FURTHER ORDERED** that Plaintiff's Motion to waive

1 collection of the filing fee (ECF No. 9) is **GRANTED** and the institution having  
2 custody of Mr. Erie shall cease collection of the filing fee in this action, cause  
3 number **2:15-CV-05071-TOR**.

4           **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
5 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff  
6 and close the file. The District Court Executive is further directed to send a copy  
7 of this Order to the Office of the **Department of Corrections, Attn: LFO/COS**  
8 **UNIT, P.O. Box 41107, Olympia, WA 98504-1107**, to forward to the appropriate  
9 agency having custody of Plaintiff. The District Court Executive shall also provide  
10 a copy of this Order to the Financial Administrator for the United States District  
11 Court, Eastern District of Washington.

**DATED** September 24, 2015.



THOMAS O. RICE  
United States District Judge